THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 18783 of 2006

Date 15-12-2006

Between:

M.T.s.Jagadish Kumar

..... PETITIONER

AND

The Commissioner, Prohibition and Excise,
Nampally, Hyderabad and another.

.....RESPONDENT

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.18783 of 2006

O R D E R :

This writ petition is filed seeking a declaration that the action of the respondents in collecting the licence fee for a period of 12 months w.e.f 01-07-2005 to 30-06-2006 despite Form-2B licence was granted to the petitioner only on 01-08-2005 as arbitrary and illegal.

The claim of the petitioner is based on the fact that the licence was actually granted on 01-08-2005 and he could carry on the business only thereafter. In the circumstances, the petitioner contends that he is entitled for refund of the proportionate licence fee.

The very same issue has been considered, in detail, by this Court in W.P.No.23415 of 2005. By order dated 25-04-2006, the said writ petition was allowed declaring that the petitioner therein, who was accorded sanction for grant of Form-2B licence in the middle of the Excise year, has to pay only proportionate licence fee. The said order was also confirmed in writ appeal. The said fact is not disputed by the learned Government Pleader for Prohibition and Excise appearing for the respondents.

In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate representation before the respondents for refund of the

proportionate licence fee. If any such representation is made, the same shall be considered in terms of the order of this Court in W.P.No.23415 of 2005, dated 25-04-2006, and appropriate orders be passed in accordance with law within a period of four weeks from the date of receipt of such representation. No order as to costs.

G. ROHINI, J

Dated: 15-12-2006
KLP